

FBEXH40

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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SEP 17 2004

Federal Communications Commission
Office of Secretary

In The Matter of)	MB Docket No. 04-191
)	
San Francisco Unified School District)	
)	
For Renewal of License for Station KALW(FM),)	Facility ID No. 58830
San Francisco, California)	File No. BRED-19970801YA

**SAN FRANCISCO UNIFIED SCHOOL DISTRICT'S OBJECTIONS AND RESPONSES
TO ENFORCEMENT BUREAU'S INTERROGATORIES**

San Francisco Unified School District ("SFUSD"), by its attorneys and pursuant to Section 1.311 and 1.323 of the Commission's Rules, 47 C.F.R. §§ 1.311 and 1.323, files these objections and responses to the Enforcement Bureau's ("Bureau") Interrogatories to SFUSD dated August 23, 2004 ("Interrogatories"). 1/ SFUSD incorporates by reference the definitions set out by the Bureau in the Interrogatories.

GENERAL OBJECTIONS

SFUSD objects to the Bureau's Interrogatories as follows (collectively referred to as the "General Objections"):

1. SFUSD objects to the Bureau's Interrogatories to the extent that they call for information protected by the attorney-client privilege or work product doctrine.

1/ The Bureau granted SFUSD an extension of time in which to respond to the Interrogatories through and including September 15, 2004. Accordingly, these responses are timely.

2. SFUSD objects to the Bureau's Interrogatories to the extent that they seek information that is irrelevant to this action, or information not reasonably calculated to lead to the discovery of admissible evidence.
3. SFUSD objects to the Bureau's Interrogatories to the extent that they are intended to elicit information compiled in anticipation of litigation by or on behalf of SFUSD or its attorneys.
4. SFUSD objects to the Bureau's Interrogatories to the extent that they are vague, ambiguous, unnecessarily burdensome, or oppressive, or call for information that is solely outside of SFUSD's possession.
5. SFUSD objects to the Bureau's Interrogatories to the extent that they seek to impose on SFUSD obligations greater than those provided for by 47 C.F.R. §§ 1.311 and 1.323.

**SPECIFIC OBJECTIONS AND ANSWERS
TO THE BUREAU'S INTERROGATORIES**

Subject to and without waiving the foregoing General Objections, SFUSD responds to the Bureau's Interrogatories as follows:

1. Identify all persons whom SFUSD intends to call as witnesses in support of its application.

ANSWER: SFUSD objects to the extent that the word "intends" as used in this Interrogatory is vague and ambiguous. SFUSD further objects because, at this stage of the proceedings, it is premature for SFUSD to predict all witnesses it may call in support of its application. Accordingly, SFUSD reserves the right seasonably to supplement its response to this Interrogatory in order to identify witnesses who may be called in support of SFUSD's application. Subject to and without waiving the foregoing objections or the General Objections,

SFUSD states that SFUSD may call as a witness each of the individuals identified in response to Interrogatory Number 3 below. SFUSD further states that it may call as a witness other employees, independent contractors and volunteers of the station who could testify concerning KALW's programming, including but not limited to the issues addressed by the station's programming. SFUSD further states that it may call certain listeners of the station or other individuals familiar with the quality of the station's activities to testify concerning KALW's meritorious programming and service to the community.

2. Identify all documents SFUSD intends to submit in support of its application.

ANSWER: SFUSD objects to the extent that the word "intends" as used in this Interrogatory is vague and ambiguous. SFUSD further objects because, at this stage of the proceedings, it is premature for SFUSD to predict all documents that it will submit in support of its application. Accordingly, SFUSD reserves the right seasonably to supplement its response to this Interrogatory in order to identify additional documents it may submit in support of its application. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that it may submit in support of its application any documents contained in the station's public inspection files, including but not limited to the following:

1997 Renewal application and ownership report

Supplemental ownership reports

KALW quarterly program guides (from 1992 to present)

Issues/programs lists concerning National Public Radio programming broadcast by KALW

Lists of locally-produced programs, such as "City Visions"

SFUSD further states that it may submit logbooks from the period in question that address the station's programming. SFUSD further states that it may submit letters and other correspondence from the station's listeners and community organizations concerning the quality of the station's programming and service to the community. SFUSD further states that it may submit documents recognizing the quality of KALW's programming and service, including, but not limited to, the Station of the Year award bestowed on KALW by the California Broadcasters Association in 1995. SFUSD further states that it may submit in support of its application any of the documents identified in response to Interrogatory Numbers 9 and 10 below.

3. Identify all persons who are/were employed in a paid position to manage the station during the period January 1, 1991 to the present. Provide the title and a brief description of the duties of each such person identified and state the duration of his or her employment.

ANSWER: SFUSD objects to the extent that the phrase "manage the station" as used in this Interrogatory is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that the following individuals were employed as general managers of the station during the times indicated and as such were responsible for the management of the station:

Nicole Sawaya, March 2001 – Present

William Helgeson, October 2000 – March 2001 and January 1998 – Mid-1998

Michael Johnson, Mid-1998 – September 2000

Jeffrey Ramirez, Mid-1996 – January 1998

Rose Levinson, Mid-1995 – Mid-1996

Jerry Jacobs, Mid-1992 – Mid-1995

Daniel del Solar, 1988 – Mid 1992

SFUSD further states the each of these general managers reported to individuals who held administrative positions with SFUSD, which individuals also were responsible for aspects of the management of the station. To the best of SFUSD's knowledge, during the relevant time period, these individuals were:

Myong Leigh, Chief of Policy and Planning, September 2004 – Present
[jointly with Lorna Ho]

Lorna Ho, Special Assistant to the Superintendent, Office of Public Engagement and Information, May 2003 – Present
[jointly with Myong Leigh since September 2004]

Jackie Wright, Executive Director, Office of Public Engagement and Information, January 2001 – May 2003

Akur Varadarajan, Principal Administrative Analyst, Spring 2000 – December 2000 [Mr. Varadarajan reported to Glenston Thompson from Spring 2000 to mid-September 2000, and thereafter reported to Cathi Vogel, Chief Financial Officer]

Glenston Thompson, Special Assistant to the Superintendent, Early 2000 – Spring 2000

Bob Harrington, Assistant Superintendent, June 1999 – End of 1999

Ruben Bohuchot, Consultant (performing the duties of Chief Information Officer), January 1998 – June 1999

Enrique Palacios, Special Assistant to the Superintendent, Summer 1992 – January 1998

Linda Davis, Deputy Superintendent, Pre 1991 – Summer 1992

SFUSD states that the SFUSD Superintendent of Schools (the "SFUSD Superintendent") is ultimately responsible for the management of the station, subject to the oversight of the Board.

During the relevant period, the SFUSD Superintendents were:

Arlene Ackerman, August 2000 – Present

Linda Davis, June 1999 – August 2000

Waldemar Rojas – 1992—1999

Ramon C. Cortines – July 1986 – July 1992

4. Identify all persons who served on the Board for each year during the period

January 1, 1991 to the present.

ANSWER: SFUSD states that the following people served on the SFUSD Board

at the times indicated below:

January 2004 – Current

Eddie Chin

Heather Hiles

Dan Kelly

Sarah Lipson

Eric Mar

Mark Sanchez

Jill Wynns

2003-2004

Eddie Chin

Emilio Cruz

Dan Kelly

Sarah Lipson

Eric Mar

Mark Sanchez

Jill Wynns

August 2002-2003

Eddie Chin

Emilio Cruz

Danny Guillory

Dan Kelly

Eric Mar

Mark Sanchez

Jill Wynns

January 2002 – August 2002

Eddie Chin

Frank Chong

Emilio Cruz

Dan Kelly

Eric Mar

Mark Sanchez

Jill Wynns

2001 -- January 2002

Eddie Chin

Frank Chong

Mary T. Hernandez

Dan Kelly

Eric Mar

Mark Sanchez

Jill Wynns

1999-2000

Eddie Chin

Frank Chong

Mary T. Hernandez

Dan Kelly

Juanita Owens

Steve Phillips

Jill Wynns

September 1998 -- January 1999

Frank Chong

Carlota del Portillo

Mary T. Hernandez

Dan Kelly

Juanita Owens

Steve Phillips

Jill Wynns

June 1998 – September 1998

Carlota del Portillo

Mary T. Hernandez

Dan Kelly

Juanita Owens

Steve Phillips

Jill Wynns

January 1997 – June 1998

Carlota del Portillo

Mary T. Hernandez

Dan Kelly

Keith Jackson

Juanita Owens

Steve Phillips

Jill Wynns

1995-1996

Carlotta del Portillo

Angie Fa

Dan Kelly

Keith Jackson

Steve Phillips

Jill Wynns

Leland Yee

1993-1994

Tom Ammiano

Carlotta del Portillo

Angie Fa

Dan Kelly

Steve Phillips

Jill Wynns

Leland Yee

1991-1992

Tom Ammiano

Carlotta del Portillo

Libby Denebeim

Dan Kelly

JoAnne Miller

Fred A. Rodriguez

Leland Yee

5. Identify all persons who prepared or assisted with the preparation of the supplemental ownership reports for the years 1993 and 1995.

ANSWER: SFUSD objects to the extent that the phrase "prepared or assisted in the preparation of" as used in this Interrogatory is vague and ambiguous. SFUSD further objects to the extent that the phrase "supplemental ownership reports for the years 1993 and 1995" as used in this Interrogatory is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that for the years 1993 and 1995, supplemental ownership reports would have been prepared by the station's general manager, with the assistance of the station's operations manager, William Helgeson. Accordingly, SFUSD states that, upon information and belief, the 1993 and 1995 supplemental ownership reports should have been prepared by then general manager Jerry Jacobs with assistance from William Helgeson. SFUSD further states, however, that it has been unable to locate the original 1993 and 1995 supplemental ownership reports or to definitively ascertain if such reports were prepared at the appropriate times. SFUSD further states that, upon information and belief, in or about December 1997, after station management learned that the 1993 and 1995 supplemental ownership reports were not available in the public inspection file, the station's then general manager, Jeffrey Ramirez, recreated the 1993 and 1995 supplemental ownership reports, with the assistance of William Helgeson.

6. Identify all persons who filed the supplemental ownership reports with the Commission during the period January 1, 1991 to the present, and state when such reports were filed with the Commission for the supplemental reports required to be filed in 1993 and 1995.

ANSWER: SFUSD states that during the relevant period, the station's general managers, identified in response to Interrogatory Number 3 above, were responsible for filing all required supplemental ownership reports with the Commission, with the assistance of William Helgeson. Accordingly, upon information and belief, Daniel del Solar filed the 1991 supplemental ownership report, Jeffrey Ramirez filed the 1997 supplemental ownership report, and Nicole Sawaya and/or William Helgeson filed all ownership reports from 1999 to the present.

SFUSD further states that, as explained in the response to Interrogatory Number 5 above, SFUSD has been unable to locate the original supplemental ownership reports for 1993 and 1995 and accordingly lacks information sufficient to state whether or when the 1993 and 1995 supplemental ownership reports were filed with the Commission.

7. Identify all persons who prepared the quarterly issues/program lists due the 10th day after the end of each quarter during the period January 1, 1991 to the present.

ANSWER: SFUSD objects to the extent that the word "prepared" as used in this Interrogatory is vague and ambiguous. SFUSD further objects to the extent that the Interrogatory calls for a legal conclusion rather than a statement of fact. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that quarterly issues/programs lists were created by the station's general managers, identified in the response to Interrogatory

Number 3 above, with the assistance of William Helgeson, the station's operations manager. SFUSD further states that those lists are based, in part, on quarterly program descriptions provided by the individual producers of local programs to the station's general manager or to William Helgeson.

8. Identify all persons responsible for maintaining the station's public inspection file during the period January 1, 1991 to the present.

ANSWER: SFUSD objects to the extent that the phrase "responsible for maintaining" as used in this Interrogatory is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that at all relevant times, the station's public inspection file was maintained by the station's general managers, identified in response to Interrogatory Number 3 above, with the assistance of William Helgeson, the station's operations manager.

9. Identify all documents that relate to the station's policies and procedures for preparing ownership reports, supplemental ownership reports, and issues/program lists, during the period January 1, 1991 to the present.

ANSWER: SFUSD objects to the extent that the phrase "policies and procedures" as used in this Interrogatory is vague and ambiguous. SFUSD further objects to the extent that the extent that the word "preparing" as used in this Interrogatory is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that in preparing the station's ownership reports, supplemental ownership reports, and issues/programs lists, SFUSD has referenced the following sources: (1) the National

Federation of Community Broadcasters Legal Handbook, (2) the NPR Station Manager's Handbook, and (3) the California Broadcasters Association Public File Checklist.

10. Identify all documents that relate to the station's policies and procedures for maintaining the station's public inspection file during the period January 1, 1991 to the present.

ANSWER: SFUSD objects to the extent that the phrase "policies and procedures" as used in this Interrogatory is vague and ambiguous. SFUSD further objects to the extent that the word "maintaining" as used in this Interrogatory is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that in maintaining the station's public inspection file, SFUSD has referenced the following sources: (1) the National Federation of Community Broadcasters Legal Handbook, (2) the NPR Station Manager's Handbook, and (3) the California Broadcasters Association Public File Checklist.

Respectfully submitted,

**SAN FRANCISCO UNIFIED
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September 17, 2004

Certificate of Service

I, Regina Hogan, hereby certify that on this 17th day of September, 2004, a copy of the foregoing San Francisco Unified School District's Objections and Responses to the Enforcement Bureau's Interrogatories was sent by first-class mail, postage prepaid, to:

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Federal Communications Commission	
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Presented by <u>ERS</u>	
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Date <u>5/26/05</u>	

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